

## UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Michael J. DeLuca

EXAMINER: P. Weissman

APPLICATION NO.: 07/418,055

GROUP ART UNIT: 264

FILED: October 6, 1989

DOCKET NO.: CM00268U

TITLE: SELECTIVE CALL MESSAGE MANAGEMENT

August 5, 1991

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST  
CLASS MAIL IN AN ENVELOPE ADDRESSED TO:  
COMMISSIONER OF PATENTS AND TRADEMARKS  
WASHINGTON, D.C. 20231, ON: August 5, 1991

Date of Deposit

RECEIVED

Daniel R. Collopy

Name of Applicant, Assignee or Registered Representative

AUG 19 1991

SIGNATURE

8-5-91  
DATE  
DEPUTY ASST. COMM.

**PETITION TO THE COMMISSIONER  
AND DECLARATION UNDER 37 C.F.R. § 1.8**

AUG 19 1991

The Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Dear Sir:

DEPUTY ASST. COMM.

Applicant received the attached communication indicating that the application indicated above was abandoned alleging that Applicant had failed to timely submit, by March 6, 1991, formal drawings incorporating the corrections noted on the form PTO-948 attached to Paper 3. Applicant hereby promptly informs the Patent and Trademark Office that the formal drawings incorporating the requested corrections were mailed with a First Class Mail Certificate of Mailing on January 4, 1991. Accordingly, Applicant petitions for revival of this application for the reasons stated below.

The required petition fee may be charged to Deposit Account No. 13-4778. Any other fees due may be charged to, or any overpayments credited to, Deposit Account No. 13-4778. A duplicate copy of this sheet is enclosed.

In support of this petition, Applicant's representative declares the following facts:

CS14767 10/01/91 07418055 13-4778 140 124 120.00CR

1. On June 8, 1990, the P.T.O. mailed an Office Action (paper no. 3) having a form PTO-948 attached thereto indicating that the drawings were objected to for improper A4 margins.

2. On December 5, 1990, the P.T.O. mailed a Notice of Allowability (form PTOL-37) indicating that the drawing corrections noted on the form PTO-948 attached to the Office Action dated June 8, 1990 must be made in one of the proscribed manners indicated on the back of the form PTOL-37 (copy enclosed).

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## PATENT APPLICATION

Two methods of correcting drawing informalities are noted thereon: a) file new drawings within three months, or b) request a commercial bonded draftsman to make the necessary corrections to the drawings on file.

3. On Friday, January 4, 1991, Applicant's representative timely filed five sheets of formal drawings incorporating the corrected margins. The drawings had the art unit, serial number, number of drawing sheets and identity of the inventors noted on the reverse side thereof.

4. Also included in Applicant's papers, accompanying the formal drawing sheets, was a transmittal letter entitled "SUBMISSION OF FORMAL DRAWINGS", addressed to the Official Draftsman and including a Certificate of Mailing pursuant to 37 C.F.R. §1.8 (a copy of which is enclosed).

5. In addition, a postcard, listing the items mailed, was included with the papers mailed on January 4, 1991. The return postcard was not received by Applicant's representative. A copy of the file copy of the postcard maintained by Applicant's representative is enclosed herewith.

6. Pursuant to 37 C.F.R. §1.8 (b), Applicant's representative includes herewith additional copies of the previously mailed correspondence, including the five sheets of formal drawings with the appropriate information on the reverse side. Since Applicant deposited the drawings in a timely fashion with the United States Postal Service with sufficient First Class postage and included therewith a First Class Mail Certificate pursuant to 37 C.F.R. §1.8 (a), and since Applicant's representative has promptly informed the Patent and Trademark Office of the facts herein under declaration proscribed by 37 C.F.R. §1.68 (see paragraph 9, below), Applicant prays for revival of the instant application.

7. Since this abandonment appears not to be the fault of Applicant, Applicant further prays for a refund of the fee for this Petition.

8. Since Applicant has also timely mailed the Issue Fee as evidenced by the postcard stamped with a Patent and Trademark Office mail Room stamp of February 19, 1991 (a copy of which is enclosed, along with a copy of the Issue Fee Transmittal), Applicant further prays that this application be allowed to proceed to issue.

9. I, the undersigned, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**SEND CORRESPONDENCE TO:**  
Motorola, Inc.  
Patent Department, MS 96  
1500 N. W. 22 Avenue  
Boynton Beach, Florida 33426-8292

By: *Daniel R. Collopy*  
Daniel R. Collopy  
Attorney for Applicant  
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FAX (407) 364-2825



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
07/418,055	10/06/89	DE LUCA	CM00263U

MOTOROLA, INC., PATENT DEPT.  
1500 NW 22 AVE.  
BOYNTON BEACH, FL 33426-8753

EXAMINER	
WEISSMAN, P	
ART UNIT	PAPER NUMBER
284	8

DATE MAILED **RECEIVED**  
07/22/91

**AUG 19 1991**

**NOTICE OF ABANDONMENT**

This application is abandoned in view of:

DEPUTY ASST. COMM.

1. ☐ Applicant's failure to respond to the Office letter, mailed \_\_\_\_\_.
2. ☐ Applicant's letter of express abandonment which is in compliance with 37 C.F.R. 1.138.
3. ☐ Applicant's failure to timely file the response received \_\_\_\_\_ within the period set in the Office letter.
4. ☐ Applicant's failure to pay the required issue fee within the statutory period of 3 months from the mailing date of \_\_\_\_\_ of the Notice of Allowance.

☐ The issue fee was received on \_\_\_\_\_.

☐ The issue fee has not been received in Allowed Files Branch as of \_\_\_\_\_.

In accordance with 35 U.S.C. 151, and under the provisions of 37 C.F.R. 1.316(b), applicant(s) may petition the Commissioner to accept the delayed payment of the issue fee if the delay in payment was unavoidable. The petition must be accompanied by the issue fee, unless it has been previously submitted, in the amount specified by 37 C.F.R. 1.17 (I), and a verified showing as to the causes of the delay.

If applicant(s) never received the Notice of Allowance, a petition for a new Notice of Allowance and withdrawal of the holding of abandonment may be appropriate in view of Delgar Inc. v. Schuyler, 172 U.S.P.Q. 513.

5. ☒ Applicant's failure to timely correct the drawings and/or submit new or substitute formal drawings by 2/6/91 as required in the last Office action.  
☐ The corrected and/or substitute drawings were received on \_\_\_\_\_.

6. ☐ The reason(s) below.

*Gaynell Lewis*  
*Drafting Branch*  
*703.557-7767*

RECEIVED

JUL 26 1991

U.S. PATENT DEPT.